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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,115	04/30/2001	Masayuki Chatani	375.14.01	5023
25920	7590	03/30/2006		
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER BAROT, BHARAT	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,115

Applicant(s)

CHATANI, MASAYUKI

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-23, and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Amended claims 1-19, 21-23, and 25-37 remain for further examination.

The old rejection maintained

2. Applicant's amendments and arguments with respect to claims 1-19, 21-23, and 25-37 filed on December 21, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-19, 21-23, and 25-37. The rejection is respectfully maintained as set forth in the last Office Action mailed on September 21, 2005.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz (U.S Patent No. 6,385,586).

Dietz's patent meets all the limitations for claims 1-19, 21-23, and 25-37 recited in the claimed invention.

5. As to claim 1, Dietz teach a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (see abstract; and figure 2) comprising: specifying content data output characteristics to be associated with the content data upon output by the second computer (figures 2-3; column 5 lines 56-65; and column 6 lines 24-50); transmitting the content data from the first computer to the second computer over the bi-directional communications network (figure 2; and column 5 lines 40-55); the output characteristics identifying an expression to be applied to the content data (column 4 line 43 to column 5 line 20; column 5 line 65 to column 6 line 4; and column 6 lines 42-54), and altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the altering includes converting an audio component of the content data to text data, the text data being processed into converted text data, and the converted text data being synthesized into audio data that includes the applied expression (see abstract; figures 2-3; and column 5 line 56 to column 6 line 13; and column 6 lines 42-62).

6. As to claim 2, Dietz teach the steps of: receiving the content data in the first computer; and outputting the altered content data from the second computer (column 3 line 61 to column 4 line 6; and column 4 lines 30-42).

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7. As to claim 3, Dietz teach that the content data output characteristics include location information of the first and second computers, the location information affects the altering of the content data (column 4 lines 30-64).

8. As to claims 4-5, Dietz teach that the received content data comprises voice data input into the first computer; and the altered content data being transmitted for output through speakers coupled to the second computer (figure 1; and column 3 line 44 to column 4 line 64).

9. As to claim 6, Dietz teach that the content data output characteristics include at least one of character gender, character condition, character environment, and language (column 4 lines 30-64).

10. As to claims 7-8, Dietz teach that the content data output characteristics are defined by input received by the first computer through a user interface; and the content data output characteristics are defined by input received by the second computer through a user interface (figure 1; and column 3 line 44 to column 4 line 30).

11. As to claim 9, Dietz teach that the content data output characteristics are stored in a database residing in memory storage coupled to the second computer (column 4 line 65 to column 5 line 39).

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12. As to claim 11, Dietz teach that the first and second computers are coupled to audio speakers, and wherein the content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers (figure 3; and column 6 lines 24-34 and 55-63).

13. As to claims 12-13, Dietz teach that the location information for the first and second computers are respectively obtained from the first and second computers and determined by the physical location of the first and second computers (column 4 line 30 to column 5 line 39).

14. As to claims 10 and 31, they are also rejected for the same reasons set forth to rejecting claims 1-9 and 11-13 above.

15. As to claims 14-19, 21-23, and 25-29, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 14-19, 21-23, and 25-29 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

16. As to claim 30 it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 30 is merely an apparatus for the method of operation defined in the claim 1.

17. As to claims 32-37, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 32-37 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

Response to Arguments

18. Applicant's arguments with respect to claims 1-19, 21-23, and 25-37 filed on December 21, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-19, 21-23, and 25-37.

In the remarks, the applicant argues that:

(A) Argument: Dietz does not teach that the output characteristics identify an expression to be applied to the content data. (NOTE: Applying an expression is not the same as language translation.)

Response: Dietz explicitly teaches a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (see abstract; and figure 2) comprising: the output characteristics (geographical location, voice-to-text environment, language) identifying an expression to be applied to the content data (column 4 line 43 to column 5 line 20; column 5 line 65 to column 6 line 4; and column 6 lines 42-54), which implies to the claimed invention.

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(B) Argument: The pending claims all now require the alteration of "expression" and Dietz is silent in this regard.

Response: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the alteration of "expression") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(C) Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

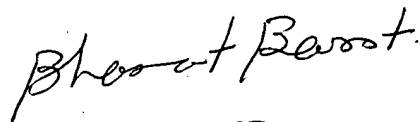
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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March 21, 2006



**BHARAT BAROT
PRIMARY EXAMINER**